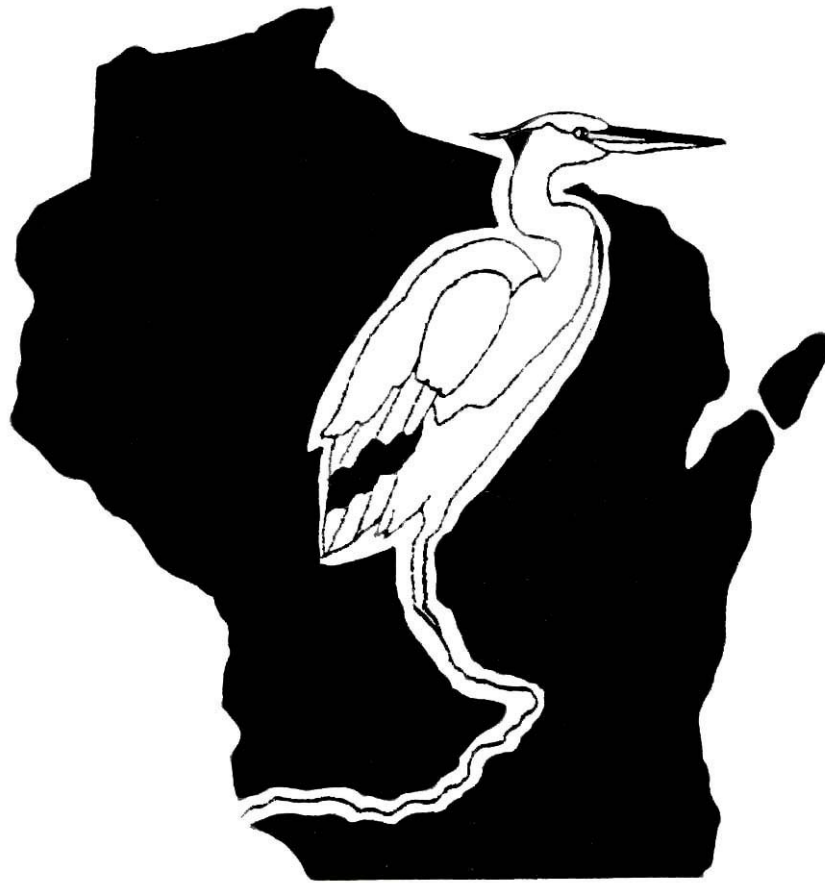


Lower Wisconsin State Riverway Board



BIENNIAL REPORT
2001-2003



Lower Wisconsin State Riverway Board

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October 15, 2003

The Honorable James Doyle
Governor, State of Wisconsin
115 East - State Capitol
Madison, WI 53702

Dear Governor Doyle,

Attached is the 2001-2003 biennial report of the Lower Wisconsin State Riverway Board (LWSRB). The report details current and past LWSRB membership, agency history, significant accomplishments, regulatory purview, permit data and observations regarding the past, present and future of the Riverway Board.

On behalf of the board, I am pleased to report the project continues to be a success fourteen years after its inception. The Riverway continues to receive national and international recognition, not only for the tremendous scenic beauty of the valley, but also for its abundant natural, archeological and historical resources. The quality and diversity of recreational experiences remain abundant. The unique and innovative Riverway aesthetic protection law remains effective and serves as a model for other river, lake and bluff protection plans.

Riverway landowners, local officials and area residents deserve recognition for their cooperation and share in the successes realized by the LWSRB. If it were not for the capable stewardship of the land by current and previous property owners, the tremendous beauty of the area might have been diminished long ago. The cooperation of Riverway landowners has been exemplary and the support of the project by the local populace has been strong and continues to grow.

The LWSRB remains focused on the stated goal of working with landowners and local residents to achieve their objectives within the constraints of the law while also assuring the aesthetic integrity of the project area is not compromised. The dedication of the private citizens serving on the board, several who have served multiple terms, deserves recognition as well. These individuals have sacrificed their time and have judiciously and thoughtfully administered a complex set of regulations on behalf of the citizens of our great state.

If you have any questions or comments regarding the information contained in the attached report, please feel free to contact me at 1-800-221-3792 or by e-mail at mark.cupp@lwr.state.wi.us. Additional information also is available at the Lower Wisconsin State Riverway Board web site at <http://lwr.state.wi.us>.

As always, thank you for your continued support of the Riverway project.

With warm regards,

Mark E. Cupp, Executive Director
Lower Wisconsin State Riverway Board

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LOWER WISCONSIN STATE RIVERWAY BOARD
(Board members as of June 30, 2003)

James Staff (Chair)
415 Spruce Street
Sauk City, WI 53583
(608) 643-5203
Sauk County representative
Appointed - 1989, 1990, 1993, 1996, 1999, 2002
Term Expires May 1, 2005

Glen Beneker (Vice Chair)
38165 US HWY 18
Prairie du Chien, WI 53821
(608) 326-6306
Crawford County representative
Appointed - 1990, 1993, 1996, 1999, 2002
Term Expires May 1, 2005

Douglas M. "Bud" Miyamoto
712 Main Street
La Crosse, WI 54601
(608) 784-0440
At-large member
Appointed – 1998, 2001
Term Expires May 1, 2004

David Martin (Secretary)
20343 Effigy Mounds Road
Muscoda, WI 53573
(608) 739-4198
Richland County representative
Appointed – 1998, 2001
Term Expires May 1, 2004

William Lundberg
3630 Coach Lantern Road
Wisconsin Rapids, WI 54494
(608) 343-0237
At-large member
Appointed - 1990, 1993, 1996, 1999
Term Expired May 1, 2002
Continues to Serve

Lloyd B. "Nick" Nice
1403 Wisconsin Avenue
Boscobel, WI 53805
(608) 375-5599
Grant County representative
Appointed – 1997, 2000
Term Expired May 1, 2003
Continue to Serve

Robert Zinck
7986 Mellum Rd.
Arena, WI 53503
(608) 753-2451
Iowa County Representative
Appointed – 2001
Term Expires May 1, 2004

Vacancy: Dane County representative

Vacancy: Recreational user group
representative

LOWER WISCONSIN STATE RIVERWAY BOARD

FORMER BOARD MEMBERS

Vincent Limmex
(Iowa County)

Dean Putz
(Iowa County)

Judy Rendall
(Dane County)

C. Thomas Talbot
(At-large member)

James Tiefenthaler
(At-large member)

Robert Cary
(Grant County)

Thomas Zignego
(At-large member)

Todd Schwingle
(Richland County)

William Hazelton
(Richland County)

Fred Clark
(At-large member)

Kathleen Roelli
(At-large member)

James Amundson
(Dane County)

Ritchie Brown
(At-large member)

COMMITTEE STRUCTURE

(Interim Committee Appointments as of June 30, 2003)

EXECUTIVE COMMITTEE:

Jim Staff (Chair), Glen Beneker, Dave Martin

DUTIES: set agenda for Board meetings, review committee reports and decisions, assign committee responsibilities, review decisions and recommendations of Executive Director, review administrative rules and legislation affecting the Riverway

OPERATIONS COMMITTEE:

Bill Lundberg (Chair), Dave Martin, James Staff

DUTIES: review permit applications, conduct field inspections, make recommendations to Board regarding action on applications, review permits issued by Executive Director, monitor effectiveness of performance standards and other regulations administered by Board

BUDGET COMMITTEE:

Nick Nice (Chair), Bud Miyamoto, Bob Zinck

DUTIES: formulate Board budget, periodically review budget status and report to the Board, review and approve major expenditures, review expenditures authorized by Executive Director

PERSONNEL COMMITTEE:

Glen Beneker (Chair), Bud Miyamoto, Bob Zinck

DUTIES: coordinate hiring of staff (executive director and program assistant), conduct evaluations of Executive Director, review supervisory decisions of Executive Director, formulate recommendations regarding issuance of exceptional performance award or other honors or special recognition for staff

OFFICE/PROPERTY COMMITTEE:

Bud Miyamoto (Chair), Nick Nice, Bill Lundberg

DUTIES: coordinate office-siting process and make recommendations to Board regarding office location, review lease arrangement, review inventory, recommend purchase of equipment, review Executive Director requests for equipment or supplies

PURPOSE

The purpose of this document is to report to the Legislature on the Riverway law and to provide information regarding the operations of the Lower Wisconsin State Riverway Board (LWSRB). Section 15.04(1)(d), Wisconsin Statutes, requires every department or independent agency to submit a biennial report to the Governor and Legislature, on or before October 15 of each odd-numbered year. In addition, s. 30.435(7), Stats., states;

“The board may report to the legislature on the effectiveness of s. 30.44 to 30.49.”

The LWSRB strategic plan states, as Goal/Objective #4;

“To report to the Legislature on the effectiveness of the performance standards, procedures, prohibitions and other regulations governing activities within the Riverway as detailed in the Wisconsin Statutes and the Wisconsin Administrative Code.”

One strategy for implementation of this objective, as detailed in the strategic plan, is “reports to the Legislature”. In addition, the LWSRB has made a strong commitment to the philosophy of open government and freedom of access to the decisions made by the agency.

Therefore, to comply with s. 15.04(1)(d), and s. 30.345(7), Stats., to implement goal #4 of the LWSRB’s strategic plan, and to adhere to the open government ideology of the LWSRB, this report is published for the benefit of Governor James Doyle, the Wisconsin Legislature, the residents of the lower Wisconsin River valley and the citizens of the State of Wisconsin.

INTRODUCTION

The Lower Wisconsin State Riverway Board (LWSRB) was created by the enactment of 1989 Wisconsin Act 31. The effective date of the Riverway regulations was October 31, 1989. The Riverway encompasses 79, 275 acres along the final 93 miles of the Wisconsin River. The project begins below the last dam on the Wisconsin River at Prairie du Sac and extends to the confluence of the Wisconsin and Mississippi Rivers near Prairie du Chien. The portion of the Wisconsin River within the Riverway project represents one of the longest stretches of free flowing water remaining in the Midwest. The lands within the Riverway remain in a relatively undeveloped state resulting in an area rich in natural beauty, a haven for wildlife and a place of precious dwindling habitat for many native plant species. The river and surrounding lands are a popular recreational destination for canoeists, anglers, hunters, birders, hikers, campers and other outdoor enthusiasts.

The Riverway regulations are designed to protect the scenic beauty and natural character of the lower Wisconsin River valley through administration of a program to control land use and development. Administration of the regulations is accomplished via a cooperative regulatory system involving the LWSRB, the Department of Natural Resources (DNR) and county zoning authorities. The LWSRB is an independent decision making entity responsible for administering a system of performance standards created to protect and preserve the aesthetic integrity of lands within the project boundary. County zoning authorities administer the respective local zoning ordinances within the shoreland/floodplain zoned areas. The DNR retains authority over the programs traditionally under the department's jurisdiction. The DNR also provides technical assistance to the LWSRB upon request. Memoranda of understanding with each of the affected counties and with the DNR further delineate the lines of communication and methods for assuring cooperation and mutual understanding.

Activities which may require a permit under the regulations include: construction or modification of a non-agricultural structure; placement or modification of a mobile home; construction or modification of a walkway/stairway; timber harvesting; construction, modification or relocation of a utility facility; construction or modification of a public access site; construction, modification or reconstruction of certain bridges; quarrying on lands not visible from the river; and, maintenance, restoration or enhancement of prairies, native plant communities, wildlife habitat or archeological sites. Prohibitions of certain activities also exist. Activities which are prohibited include: cutting of woody vegetation unless specifically exempted; storage or disposal of junk or solid waste; mining and quarrying on lands visible from the river; certain roads and signs; and, construction of piers, boat shelters and swimming rafts. Several exemptions apply to the activities that require a permit and to the prohibited activities.

Restrictions regarding recreational use on public lands or waters are also in effect. An adequately sized waterproof refuse container in which to place trash is required for vessels operating in the Riverway. No person may leave refuse on state owned or managed lands or waters. Glass containers are prohibited on all public lands and waters within the Riverway.

Agricultural operations and structures are basically exempt from the regulations. Permits from the LWSRB are not required for construction or modification of agricultural structures, such

as; barns, silos, machine sheds, chicken coops, etc. The prohibition on the cutting of woody vegetation does not apply to maintenance of fence rows, pastures or crop fields. Expansion of an agricultural operation may occur without an LWSRB permit if compliance with the Department of Agriculture, Trade or Consumer Protection (DATCP) regulations is attained.

Enforcement of the law is accomplished through cooperation with the local DNR conservation wardens. Local law enforcement officials may be utilized if necessary. To date, all LWSRB enforcement related actions have occurred under the auspices of DNR conservation wardens. Issuance of written warnings occurs when violations of the performance standards are discovered, usually, after initial LWSRB contact with the individual fails to resolve the matter. DNR Conservation wardens retain the authority to issue a cease and desist order if deemed necessary. If an individual does not comply with the conditions stated in the warnings or fails to adhere to actions ordered by the LWSRB, forfeitures of up to \$1,000 may be levied. Also, a person who knowingly violates the law may be subject to forfeitures of up to \$1,000 for each violation.

This report details fourteen years of operations of the Lower Wisconsin State Riverway Board. The report will focus on the 2001-2003 biennium although historical data and information from the inception of the LWSRB in October of 1989 through June of 2003 also is included. The report is divided into sections regarding agency history; permit data; information on warnings and violations; budgetary data; policy development; and, observations regarding the past, present and future of the agency.

The report was compiled by Mark E. Cupp, Executive Director, with the assistance of Marsha Nachtigal, Program Assistant II, and under the supervision of the Executive Committee composed of LWSRB Chair James Staff, Vice-Chair Glen Beneker and Secretary Dave Martin.

For further information regarding the Lower Wisconsin State Riverway Board, contact Mark E. Cupp, Executive Director, by calling (608) 739-3188 or 1-800-221-3792; by FAX at (608) 739-4263; by e-mail at mark.cupp@lwr.state.wi.us; by writing to P.O. Box 187, Muscoda, WI 53573; by visiting the LWSRB office at 202 N. Wisconsin Avenue in Muscoda; or, by visiting the LWSRB website at <http://lwr.state.wi.us>. LWSRB office hours are 8:00-12:00 and 1:00-5:00 Monday through Friday.

HISTORY

The Lower Wisconsin State Riverway Board (LWSRB) was created on August 3rd of 1989 when Governor Tommy G. Thompson signed Wisconsin Act 31. The legislation creating the LWSRB was included in the 1989 budget bill as the result of a compromise forged by legislators of both political parties and Governor Thompson. The major legislative players involved in creation of the Riverway included State Senator Richard Kreul, State Representative Spencer Black, State Senator Brian Rude, State Representative Joe Tregoning, State Representative (now State Senator) Dale Schultz, State Representative DuWayne Johnsrud and State Representative David Brandemuehl. The law became effective on October 31, 1989, marking a new chapter in Wisconsin's environmental protection history.

The first meeting of the LWSRB was held on November 1, 1989, at the Kratochwill Memorial Building (Village Hall) in Muscoda, Wisconsin. Vincent Limmex of Iowa County was elected Chairman of the board governing the new state agency. William Hazleton of Richland County was elected Vice-Chairman and Kathleen Roelli, an at-large member from Darlington, was elected Secretary. In the ensuing weeks, committees were formed to select an office site, hire staff, review permit applications and evaluate the budget. The first permit was issued by the LWSRB on December 4, 1989. On January 17th of 1990, Muscoda was chosen to be the site of the LWSRB office. At the same meeting, Mark E. Cupp was hired to serve as the first Executive Director of the LWSRB.

Executive Director Cupp assumed his duties in February of 1990 at which time the internal construction of the new state agency began in earnest. The procurement of supplies, from pencils to desks to computers, was undertaken and an LTE office secretary was hired. By March of 1990, permanent residency was established in the LWSRB office at 202 N. Wisconsin Avenue in Muscoda. Throughout 1990, the permit process was refined, committee structure was set firmly in place and the fledgling agency settled into a routine of regular monthly meetings.

July 1, 1991, denoted the beginning of a new biennium and the first fiscal year under which the LWSRB would operate with a budget developed by the agency. In early November of 1991, a technical corrections bill requested by the LWSRB was passed by the Legislature and was signed into law by Governor Tommy Thompson on November 20, 1991. The legislation corrected several flaws in the original law as identified by the LWSRB during the initial 18 months of administration of the program. The legislation also empowered the LWSRB with emergency rule-making authority to further interpret the unique and innovative law.

The Legislative Audit Bureau completed a management and performance audit of the LWSRB in 1992. The audit, required by the enabling legislation after two years of administration of the law, found that "an effective permit review process" had been established by the LWSRB. The recommendations contained in the report regarding administration of the law in the shoreland zoned areas and coordination of enforcement actions with the Department of Natural Resources (DNR) were successfully implemented. The LWSRB established memoranda of understanding with the Riverway counties to insure proper administration of the law by providing a review mechanism which allowed the LWSRB to provide technical assistance to the counties regarding the applicability of the Riverway law to activities in the shoreland zoned areas. Also, the LWSRB revised the memorandum of understanding with the DNR regarding enforcement activities to

assure the LWSRB has an opportunity to review alleged violations of the law prior to issuance of a warning by a conservation warden. Under the agreement, the conservation wardens retain discretionary authority to issue a warning in cases where an immediate cease and desist order is warranted.

The first administrative rule promulgated by the agency became effective in 1992. Chapter RB 1, Wisconsin Administrative Code, expresses the mission, goals and objectives of the LWSRB and includes definitions of terms. Chapter RB 2, Wisconsin Administrative Code, identifies permit exclusions and exemptions and defines procedures relating to the restoration or maintenance of prairies, native plant communities and archeological sites and further defines procedures regarding mining and quarrying activities. The administrative rules provide the LWSRB with enhanced flexibility in administering the law and represent a balance between a landowner's ability to exercise certain property rights and the LWSRB's stated goal of protection of the aesthetic integrity of the Riverway.

In 1993, the boundaries of the Lower Wisconsin State Riverway Board were modified after years of review by DNR and LWSRB staff. The revisions to the boundaries were proposed by the staffs of the respective agencies after conducting field inspections, both on-site and on-river. At the recommendation of the LWSRB, a large portion of Wyalusing State Park visible from the Wisconsin River, was included within the boundary. Lands not visible from the river and which offered no recreational or special management value were deleted. Action to formally revise the Riverway boundary was taken by the Natural Resources Board at the June-1993 meeting held in Rhineland.

A major accomplishment achieved in 1993 was development of the "LWSRB Standardized Color Chart". The color chart was designed to provide guidance to landowners when choosing exterior colors for structures visible from the river. The chart generally identifies the parameters of the spectrum that would comply with the performance standard requiring the exterior colorization of structures on lands visible from the river during leaf-on conditions. A palette of nearly 50 colors was assembled to identify the acceptable colorization spectrum. The Mautz Paint Company provided invaluable assistance and technical expertise during development of the color chart. Following adoption of the "Standardized Color Chart" by the LWSRB, a large development near Spring Green incorporated the color chart into the design plans for all existing and future structures on the property. The voluntary compliance with the law, as evidenced by actions taken by The Springs, Inc. (now the House on the Rock Resort), and the cooperation between the public and private sector, as exhibited by the "partnership" between the LWSRB and Mautz Paint during development of the color chart, represents models of success. Establishment of a foundation for cooperation with the private sector and establishment of positive working relationships with private landowners are goals toward which the LWSRB constantly strives.

The LWSRB has also played a pivotal role in several Department of Transportation (DOT) projects. Pursuant to the Riverway law, the DOT must "notify and consult" with the DNR and the LWSRB regarding highway projects in the Riverway. In 1993, two notable projects reviewed by the LWSRB involved the proposed reconstruction of STH 60 in Crawford County between Boscobel and Wauzeka and the proposed excavation of the rock wall at the south end of STH 130 in Iowa County near Lone Rock to accommodate installation of a traffic attenuator. The original plans for reconstruction of STH 60 were significantly modified by the DOT after

consultation with the LWSRB resulting in dramatic improvements from an aesthetic protection perspective. The DOT abandoned plans for excavation of the rock wall and installation of a traffic attenuator at the south end of the STH 130 bridge after opposition from the LWSRB and the local populace. The LWSRB opposed the project because of the magnitude of the aesthetic impact. Despite occasional differences of opinion, the LWSRB has established a good working relationship with the DOT. Both agencies recognize the respective mission of the other and have worked cooperatively to seek a reasonable balance between aesthetic protection and the cost effective construction of safe highways.

In 1993, the LWSRB and DNR jointly funded a study of the impacts of the Riverway regulations on timber harvest activities in the valley. The study was designed to assess the economic impacts of the regulation for the project landowners as well as to assess the impact on the timber resource. The study was conducted by University of Wisconsin-Madison researchers Jeff Stier and Jeff Martin with assistance from the DNR and LWSRB staffs. The results of the study revealed an adverse economic impact may be realized in the short term by landowners wishing to harvest all merchantable timber on the property in a single harvest. Significantly, the study revealed the performance standards closely parallel the type of harvest a forester would recommend in accordance with “sound forestry management practices”. Professors Stier and Martin presented the results of the study at the November 1993 LWSRB meeting.

Legislation affecting the Lower Wisconsin State Riverway was introduced in 1993. A bill exempting state parks from the prohibition on possession of glass containers on state controlled lands and waters in the Riverway was passed by the Legislature and signed into law by Governor Thompson. The change in the law sought to address concerns regarding possession of glass containers by recreational users at supervised properties such as Wyalusing State Park and Tower Hill State Park.

Problems associated with personal watercraft (PWC) use, also known as “personal watercrafts”, came to the attention of the LWSRB in 1994. Citizen complaints regarding conflicts with personal watercrafts increased in the summer of 1994. State Representative Spencer Black also introduced legislation further regulating personal watercraft use on inland lakes and invited the LWSRB to offer comments regarding potential expansion of the legislation’s scope to include rivers, specifically, the lower Wisconsin River. The LWSRB invited public comment on the matter and discovered many people feared that the tightening of regulations affecting personal watercraft use on the lower Wisconsin River would be a “foot in the door” toward prohibiting the use of all motorboats on the river. This concern is often fed by the rumor mill and causes distress for local river users who utilize small motor boats for fishing, hunting, sandbar camping or otherwise enjoying nature. The LWSRB adopted a strong statement opposing any attempt to prohibit motor boat use on the river but recommended the DNR continue to monitor PWC use and associated complaints.

November of 1994 marked the fifth anniversary of the Riverway and a ceremony to commemorate the event was hosted by the LWSRB at its monthly meeting. A number of guest speakers were on hand including former State Senator Richard Kreul, State Representative David Brandemuehl, representatives of the DNR and other individuals associated with creation of the Riverway. A large contingent representing the Private Landowners of Wisconsin (PLOW) organization, a group long opposed to the Riverway and LWSRB, also was present. At the

beginning of the meeting, the PLOW members carried a coffin draped in the American flag into the meeting room and held a ceremony, including delivery of a eulogy to the Constitution. Some guest speakers were greeted by PLOW members standing and turning their backs and some speakers were interrupted. Nazi salutes and strong language also were employed by certain members of the group to assure those gathered to celebrate the fifth anniversary of the LWSRB recognized the PLOW organization's opposition to the Riverway concept.

Legislation long sought by the LWSRB was enacted in 1996. The legislation further fine tuned the Riverway performance standards and created greater flexibility for landowners and for the LWSRB in the areas of timber harvesting and construction or modification of structures on lands visible from the river. The legislation allowed for selective harvesting of timber along the river's edge, an area where harvesting was previously prohibited, and allowed greater selective harvesting on the tops of the bluffs. The performance standards for construction of bluff top structures were modified by increasing the limitation on the slope of the site from 12% to 20%, eliminating the 100 foot bluff top set back requirement and adding an erosion control standard. The changes provided additional flexibility to the LWSRB in working with landowners to find the most appropriate site for minimizing the visual impact of the structure while, at the same time, achieving the goals and objectives of the landowner.

A significant violation of the Riverway law occurred in the 1996. A house was constructed on a bluff visible from the river in the Town of Wauzeka, Crawford County. A permit from the LWSRB was not obtained. The Riverway warden issued a warning and cease and desist order upon discovering the structure was under construction. The large home was being constructed by an out-of-state contractor working for an out-of-state property owner who had recently purchased the property from another out-of-state property owner. The local realtor involved alleged he was unaware of the Riverway law. The landowner indicated he had inquired about permits but a local resident told him none were needed.

The structure, visible for several miles from the river, presented a tremendous challenge to the LWSRB. A complex series of issues had to be sorted out and appropriate measures taken to address the violation. While the LWSRB had the authority to order the structure razed, the option was never a serious consideration. Instead, the LWSRB sought to work with the landowner and contractor to assure the structure came into compliance with the applicable performance standards. The LWSRB ordered the existing utility corridor, which created the large viewshed, to be relocated and the vegetation within the corridor maintained and replaced if damaged or destroyed. In addition, the LWSRB required two large trees, a minimum of 25 feet tall, to be established in order to provide immediate screening vegetation. The LWSRB determined the exterior colorization was acceptable. Although the process took more than one year, the steps ordered by the LWSRB to mitigate the aesthetic impacts were implemented.

January 1, 1996, marked a change in the delivery of administrative services to the LWSRB from the DNR to the newly created Department of Tourism. The administrative functions formerly provided by DNR gradually became the responsibility of the Department of Tourism. The importance of the technical services provided to the LWSRB was underscored by the adoption of a resolution requesting that measures be taken to assure the delivery of technical services to the LWSRB by DNR was not interrupted. The DNR reorganization process further altered the interaction between the two agencies. However, the strong and healthy working

relationship continued as both the LWSRB and DNR and their respective staffs strove toward achieving mutually desired goals and objectives associated with the Riverway project.

In January of the 1997, the LWSRB hosted two guest speakers and a public comment session on the topics of the proposed Crandon mine and associated pipeline to discharge wastewater into the Wisconsin River and the problems at the Badger Army Ammunition Plant. The LWSRB had been approached by a concerned citizen who asked the LWSRB to adopt a resolution opposing the proposed Crandon mine pipeline. The LWSRB requested information from the DNR. A DNR representative then served as guest speaker and discussed the status of the Crandon mine project, including the pipeline proposal. Following the guest speaker, a public comment session was held. Many spoke in opposition to the pipeline while a few speakers were in favor of the project if it was proven to be safe. Eventually, the LWSRB adopted a resolution urging the DNR to “thoroughly and carefully scrutinize” the proposal to assure there would be no adverse impacts on the lower Wisconsin River and further recommended adoption of tougher effluent limits for all dischargers in order to enhance water quality.

In June of 1997, the LWSRB approved a rare variance to the logging road performance standards detailed in Chapter NR 37, Wisconsin Administrative Code. The DNR Riverway forester requested the variance to accommodate a timber sale on state owned property in the Town of Millville, Grant County. The variance was requested to allow for construction of roads with grades in excess of the maximum allowed under NR 37. The roads were necessary to access the merchantable timber and render the proposed sale viable. The LWSRB Operations Committee and other LWSRB members visited the site and also viewed the site from the river. The site was found to be highly visible from the river; however, the roads to which the variance would apply were to be designed and located in a manner that would render the roads visually inconspicuous when viewed from the river during leaf-on conditions. The LWSRB approved the variance but included several conditions to assure the roads were constructed under narrowly defined parameters and under close supervision by the DNR Riverway forester.

A new policy regarding the issuance of timber harvest permits was adopted in 1997 in an attempt to prevent inadvertent violations of the regulations during a timber harvest. The new policy established procedures to enhance communications and to assure all parties involved in a timber harvest on lands visible from the river are aware of the impact of the regulations. The policy seeks to avoid situations where the logger may not have been involved in the permit process and may be unaware of specific conditions of the permit. The policy also seeks to assure the landowner is aware of the conditions of the permit and understands the impact, if any, of the regulations.

In 1998, work continued on planning for the STH 60 project between Boscobel and Wauzeka. Board involvement in the project would continue until September of 2003. Additional complaints were heard regarding personal watercraft conflicts on the river culminating in the board holding a public comment session on the topic at the September –1999 board meeting in Spring Green. Also, in 1998, a timber harvest violation was discovered in the Town of Millville, Grant County. Ultimately, the violation resulted in the first court case involving the Riverway regulations. The trial was held in Grant County Circuit Court in April of 2000. Details of the case are found under the Warnings/Violations section of this report. The board participated in several Wisconsin sesquicentennial events including the DNR’s Paddle through History tour with

replica voyageur canoes. Executive Director Cupp spoke at a ceremony recognizing the Sac leader Black Hawk at the site of the Battle of Wisconsin Heights in Dane County. Also, Riverway board members Brad Glass and Bill Lundberg, Executive Director Mark Cupp and Earl Cupp completed a two-day canoe trip down the length of the lower Wisconsin River.

In 1999, the use of the Mazomanie Wildlife Unit (Mazo Beach) by nudists again came to the attention of the board. Tom Howard, DNR Riverway Liaison, presented the board with a new policy for the area. The policy closed Conservation Drive to vehicular traffic, expanded the small parking lot at the entrance to Conservation Drive and limited the hours of access. The enforcement services provided to the board by DNR changed with designation of enforcement responsibilities to specific county conservation wardens rather than through the centrally designated Riverway warden. Legislation to ban nudity on DNR owned or managed lands, Assembly Bill 560 (AB 560), was reviewed. After lengthy discussion, the board voted to support the legislation. Riverway staff helped coordinate an Earth Day event with the Riverdale School District that resulted in all grades participating with over 100 bags of trash collected from public lands in the Muscoda area. Proposed changes to bank pole regulations were discussed by the board. The proposal would have required bank poles to be striped black and white with a flag attached. The board voted to oppose the proposed rule change due to the adverse aesthetic impacts. The change was not implemented for the Riverway. After being disbanded following creation of the Riverway project in 1989, the Friends of the Lower Wisconsin River (FLOW) was reorganized in April with David Gjestson and Timm Zumm serving as Co-Chairs. In November, for the first time in the history of the Riverway, the board voted to issue a formal warning to the DNR for violation of the Riverway. The cutting of trees and woody vegetation without a permit and in violation of the Riverway performance standards occurred at Ferry Bluff in Sauk County. A mitigation plan for the site was prepared and implemented. Mark Cupp, Executive Director, was recognized as a "River Champion" by the River Alliance of Wisconsin.

In January of 2000, the board recommended the DNR consider the following actions to address complaints regarding PWC use on the river: increased hours of enforcement by wardens during high use periods; enhance communications for reporting of violations; development of programs by DNR and local PWC dealerships regarding boating safety and etiquette; enactment of a law requiring all PWC operators to take a boating safety course; and, initiation of a new user study for the Riverway to determine levels of use and types of conflicts. Executive Director Cupp and Bill Lundberg, LWSRB Operations Committee Chairman, along with Bill Carlson, DNR Riverway Forester, testified in Grant County Circuit Court regarding the violation of the timber harvest regulations in the Town of Millville, Grant County. The defendant was found guilty of failure to have a Riverway permit and harvesting below the basal area levels for lands visible from the Wisconsin River. In July, the board agreed to serve as a co-sponsor of the Tippesaukee Symposium, an event to recognize the historical significance of the site of the first Euro-American settler in Richland County and the interaction with the Ho-Chunk people who had a large village at the site. For the second time, Riverway board members Brad Glass and Bill Lundberg, Executive Director Mark Cupp and Earl Cupp completed a two-day canoe trip down the length of the lower Wisconsin. In December, initial discussion regarding the structural integrity of the Sauk City Railroad Bridge took place.

The board spent a great deal of time in 2000 discussing techniques to mitigate adverse aesthetic impacts from the STH 60 project in Crawford County. The board approved the use of tinted concrete for the retaining walls and development of a planting plan to include trees, shrubs

and vines. The board also discussed establishment of borrow pits on lands visible the river. The board agreed to allow borrow pits on certain areas visible from the river under tightly controlled conditions whereby remediation would assure the aesthetic damage was repaired. The board voted to express “extreme concern” regarding dredging the Wisconsin River for fill material.

In 2001, cell tower issues came to the forefront. The board requested Riverway counties, towns, cities and villages consider enactment of moratoria until development of local regulations could occur. In April, the board sponsored a symposium in Muscoda for public officials from throughout the valley regarding wireless communications technology and the potential for development of local ordinances to regulate placement of towers. Several municipalities and 4 of the 6 Riverway counties have adopted or updated a tower ordinance. Also, the reconstruction of STH 60 between Boscobel and Wauzeka began with the board working closely with DOT and the contractor, John Moyna & Son, to address design changes. In May, the board recommended the Sauk City Railroad Bridge be “repaired or removed” to address safety concerns regarding the integrity of the structure. In June, after reviewing options for repair or removal, the board recommended removal of the bridge. The board met with DOT officials to discuss aesthetic treatments for the proposed USH 12 bridge at Sauk City.

In January of 2002, the board approved a permit for Dairyland Power Cooperative for a power line crossing over the Wisconsin River between Boydtown in Crawford County and Woodman Lake in Grant County. The board allowed additional height for the poles in exchange for a reduction in the number of poles and aesthetic treatments of both shorelines. Because of problems with the tint used in the concrete retaining walls on the STH 60 project, the board required all walls to be stained in accordance with the original specifications. The board also began consulting with DOT on the proposed reconstruction of STH 133 west of Woodman in Grant County. Tom Howard, DNR Riverway Liaison, reported whitetail deer had tested positive for chronic wasting disease (CWD). A span of the Sauk City Railroad Bridge was demolished by controlled detonation. Complaints regarding debris in the water downstream for many miles persisted throughout the summer and fall. A permit was issued to the Burlington Northern Santa Fe Railway for a new railroad bridge between the Town of Bridgeport, Crawford County, and the Town of Wyalusing, Grant County. A slope stabilization project for Taliesin in the Town of Wyoming, Iowa County, was reviewed by the board with subsequent approval conditional upon development of a planting plan for the site.

In the first six months of 2003, the board was prepared to utilize a previously adopted policy regarding the reconstruction of a structure destroyed by natural causes to allow a fire destroyed cabin to be rebuilt in the Town of Orion, Richland County. However, because the new structure would be slightly larger in size, a structure permit was required. Conditions were attached to the permit to assure the rebuilt cabin would not be more visible from the river, including a requirement that additional screening vegetation be planted. A prescribed burn at the Ferry Bluff State Natural Area in Sauk County resulted in significant tree mortality. After several visits to the site and following discussion with DNR personnel, the board directed the DNR to develop a mitigation plan to include felling of some of the dead trees to ameliorate the adverse aesthetic impact. The plan developed by DNR staff calls for a phased approach to felling with the material to be retained on site. Some larger fire-killed trees would remain to provide habitat for wildlife and insects. The first phase would be completed before the area is closed to the public (November 15) to protect roosting eagles. Executive Director Cupp reported he

continued to work with DOT representatives on reconstruction of STH 60 between CTH W and STH 80 in Richland County and had preliminary discussions with DOT officials regarding the proposed reconstruction of STH 60 between Muscoda and Gotham, also in Richland County.

These selected highlights of the past fourteen years of LWSRB's operations are meant to provide an overview of the more significant events that have occurred. A complete listing of permits issued, meeting minutes and other information related to the LWSRB is housed within the LWSRB archives.

PERMITS

PERFORMANCE STANDARDS

Permits issued by the Lower Wisconsin State Riverway Board (LWSRB) are required before initiating certain activities in the Riverway. Activities for which permits are required are detailed in s. 30.44(1), (2), (3), (3m), (4) and (5) and s. 30.445 of the Wisconsin Statutes. These activities include: construction, placement or modification of a structure or mobile home; construction or modification of a walkway or stairway; timber harvesting; construction or modification of utility facilities; construction or modification of public access sites; quarrying activities on lands not visible from the river; implementation of a management plan for prairie restoration, maintenance of native plant communities, wildlife habitat projects and maintenance of known archeological sites; construction or modification of bridges; and, maintenance of piers. The LWSRB administers a system of “performance standards” which are designed to minimize the visual impact of the activity.

For structures or mobile homes which are constructed, placed or modified on lands visible from the river during leaf-on conditions, the following performance standards must be met before a permit may be issued [see s. 30.44(1)(c), Stats.]:

1. Sufficient vegetation exists on the land to allow the structure or mobile home to be visually inconspicuous;
2. The structure or mobile home shall not be higher than the surrounding vegetation during the time when the leaves are on the deciduous trees;
3. Visual impact shall be minimized by the use of exterior colors that harmonize with the surroundings and by the limited use of glass or other reflective materials;
4. The natural slope of the land shall be 20% or less;
5. Approved erosion control techniques shall be employed at the site during all phases of construction and following completion of the activity.

For lands not visible from the river, a permit for construction, modification or placement of a structure or mobile home may be issued if the height of the structure or mobile home does not result in its being visible from the river. [See s. 30.44(1)(e) and (f), Stats.]

A permit for construction or modification of a walkway or stairway may not be issued unless compliance with the following performance standards is attained (see s. 30.44(2)(b), Stats.):

1. The walkway/stairway shall be visually inconspicuous;
2. The walkway or stairway shall have sufficient safeguards to minimize erosion; and,
3. The walkway or stairway shall be for pedestrians only.

Commercial timber harvests are regulated under s. 30.44(3), Stats. However, the performance standards for timber harvesting are contained in Chapter NR 37 of the Wisconsin Administrative Code. Timber harvest regulations vary by zones. Delineation of the zones is based on the degree of aesthetic protection required due to visibility from the river during leaf-on

conditions. In the River Edge Zone, a 75 foot wide strip on lands adjacent to the river, and in the Bluff Zone, which encompasses 100 feet on either side of the “bluff line”, selective harvesting is required. Selective harvesting and small regeneration cuts or shelterwood cuts are allowed on the hillsides visible from the river, an area known as the Riverview Zone.

For lands not visible from the river, the Resource Management Zone, a permit must be obtained although no restrictions apply. The LWSRB recommends development of a timber management plan for the parcel and compliance with NR 37 in the Resource Management Zone, however, adherence to the recommendations is voluntary. The LWSRB permit verifies the harvest area is not visible from the river during leaf-on conditions.

A permit for a utility facility may not be issued unless the performance standard cited in s. 30.44(3m)(c), Stats., is met. This performance standard requires that all reasonable efforts, as determined by the LWSRB, shall be taken to minimize the visual impact of the utility facility. However, the LWSRB may not require burial of the utility facility as a condition of the permit. The performance standard, which applies to construction or modification of public access sites, is similar to the performance standard for a utility facility. [See s. 30.44(4)(b), Stats.] For modification, construction or reconstruction of a bridge, the performance standard cited in s. 30.44(5)(c), Stats., states that the visual impact shall be minimized by the use of exterior colors which harmonize with the surroundings and by the limited use of glass or other reflective material.

A pier in existence before October 31, 1989, is allowed after a permit is obtained and if the pier is properly maintained. Instead of new piers, wharves are allowed.

PROHIBITIONS

A number of activities are prohibited in the Riverway (see s. 30.45, Stats.) including:

- cutting of woody vegetation unless specifically exempted;
- the storage or disposal of junk or solid waste;
- new mining or quarrying on lands visible from the river;
- construction, reconstruction or alteration of highways or private roads unless the roads are visually inconspicuous and utilize erosion control measures;
- most signs; and,
- boat shelters and swimming rafts.

AGRICULTURAL USE EXEMPTIONS

Agricultural operations are basically excluded from regulation under s. 30.46, Stats. Land that was in agricultural use on October 31, 1989, may have barns, silos, sheds, corn cribs, etc., constructed on the land without a permit from the LWSRB. Cutting of woody vegetation to maintain fence rows, pastures or crop fields is not regulated. New lands may be developed for agricultural use if the development and use comply with the Department of Agriculture, Trade and Consumer Protection (DATCP) rules for the soil and water resource management program.

CONDITIONS, WAIVERS, VARIANCES

The LWSRB may place conditions on permits to assure compliance with the applicable performance standards or to ensure the activity is completed within a reasonable length of time. A standard condition of all permits issued by the LWSRB is completion of the activity within one year. Extensions may be granted if necessary.

The LWSRB may issue a waiver to the performance standards that apply to structures or to the prohibitions that apply to the cutting of woody vegetation. A waiver may not be issued except for the compelling personal needs of the resident which are not self-imposed or self-created. A waiver may not be issued solely for financial hardship. The LWSRB has issued 4 waivers.

A variance to the timber harvest regulations of Chapter NR 37 may be granted by the LWSRB if the activity will be visually inconspicuous. The LWSRB must provide advance notice to the Department of Natural Resources (DNR) that the variance will be considered. The time, date and location of the meeting at which the variance will be considered must be published in the official state newspaper. The LWSRB has granted 6 variances.

PERMIT PROCESS

A landowner wishing to obtain a permit to conduct an activity regulated under the Riverway law must first submit an application or permit request letter to the LWSRB. The application should include the applicant's name, address and telephone number; indicate the type of activity including plans, maps or diagrams; and, must indicate the location of the activity. Under normal circumstances, the Executive Director will contact the applicant to arrange a preliminary field inspection or to conduct an initial consultation. If possible, the landowner or his/her agent is present for the preliminary field inspection. Additional information and specific details regarding the activity are gathered at this time. The Executive Director will evaluate the application for compliance with the applicable performance standards during the preliminary field inspection. If a problem is apparent, the Executive Director will consult with the landowner to determine if the plan or the proposed activity may be modified to achieve adherence to the law. Throughout the process, the posture of the Executive Director is to assist the landowner in achieving the desired goals and objectives within the constraints of the law.

Following the preliminary field inspection, the LWSRB Operations Committee will conduct a field inspection with the Executive Director and, if possible, the landowner. At this time, the Executive Director explains the applicable performance standards, identifies any problems with compliance that may exist, and makes a recommendation to the committee regarding approval or denial of the permit request. The Operations Committee then discusses the findings and formulates a recommendation to present to the full board.

During the Operations Committee report at the monthly LWSRB meeting, the application is considered and the committee recommendation discussed. Typically, videotape, digital photographs or slides of the site, as taken by the Executive Director, are shown. If the landowner is present, he/she may be asked questions by the board members. Members of the public who may

have an interest in the application may address the LWSRB. Following discussion, the LWSRB votes to approve or deny issuance of the permit. In most cases, conditions are attached to the permit to insure compliance with the regulations. The permit is then sent to the landowner and other interested parties.

In addition to permits issued by the full board, the Executive Director has been empowered to issue general permits and utility permits in cases that clearly do not have an aesthetic impact. If there is any question regarding the potential visibility of the activity, the Executive Director has been instructed to follow the standard operating procedure for committee and board review of the application.

PERMIT ISSUANCE DATA

From the inception of the Riverway in November of 1989 through June of 2003, the LWSRB has issued 679 permits and 202 permit extensions. The graphs on the following pages demonstrate the number of permits issued by year by type and the total number of permits issued by type.

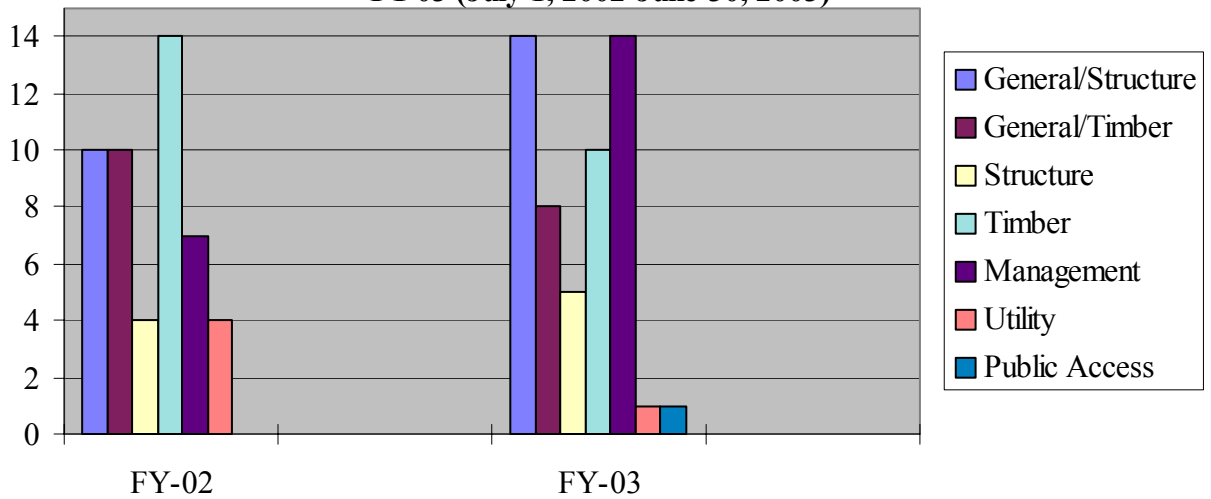
The most common type of permit issued is a “general” permit. A general permit applies to activities not visible from the river. General permits are divided into two types: a) general permits for timber harvesting; and, b) general permits for construction or modification of a structure. A general permit for timber harvesting simply verifies the harvest area is not visible from the Wisconsin River during leaf-on conditions. There are no regulatory impacts resulting from the Riverway law. The LWSRB uses the opportunity to recommend development of a forestry management plan for the parcel and provides information regarding a number of issues related to properly managing a woodlot. A general permit for a structure again verifies the site of the proposed activity is not visible from the river during leaf-on conditions. The regulatory impact of the Riverway law limits the height of the structure so that the structure does not become visible from the river.

The value of the Riverway law in protecting the scenic beauty and natural character of the lands within the project boundary is most apparent when considering the cumulative impact of the number of permits issued for activities on lands visible from the river. With the Riverway law in place, activities, which occur on lands visible from the river, are conducted in a manner designed to minimize the visual impact in order to maintain the aesthetic integrity of the Riverway. The regulations are designed to “control” development, not “prohibit” development. As a result, many activities, from home building to timber harvesting, continue on lands visible from the river. However, the impact of these activities on the scenic beauty of the valley, from the perspective of a river user during leaf-on conditions, is negligible. Without the law, the development which has occurred since late 1989 would have been subject to no aesthetic protection regulations and, most likely, would have resulted in the development of lands visible from the river having a dramatic and adverse long term impact on the natural beauty of the area.

PERMITS ISSUED BY TYPE BY FISCAL YEAR

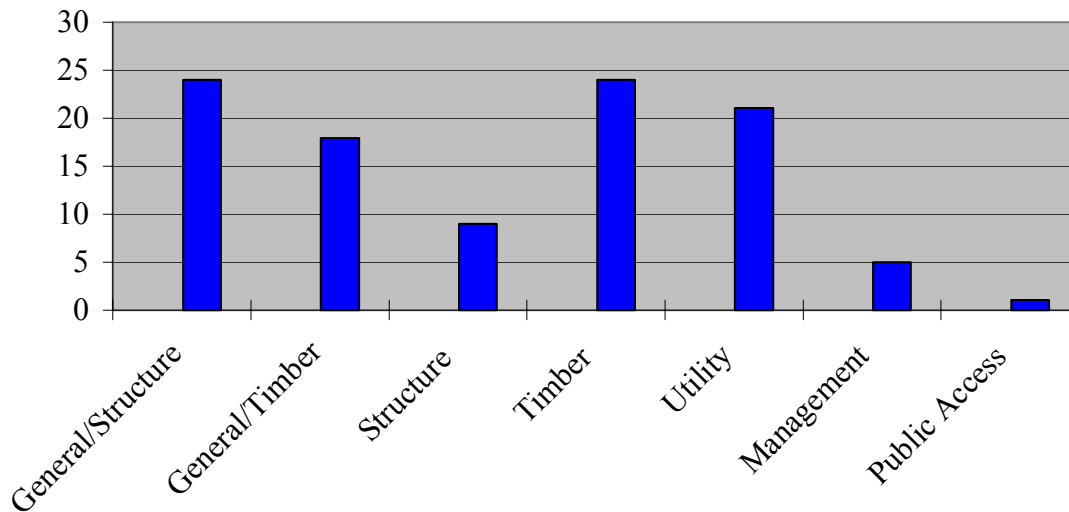
FY 02 (July 1, 2001-June 30, 2002)

FY 03 (July 1, 2002-June 30, 2003)



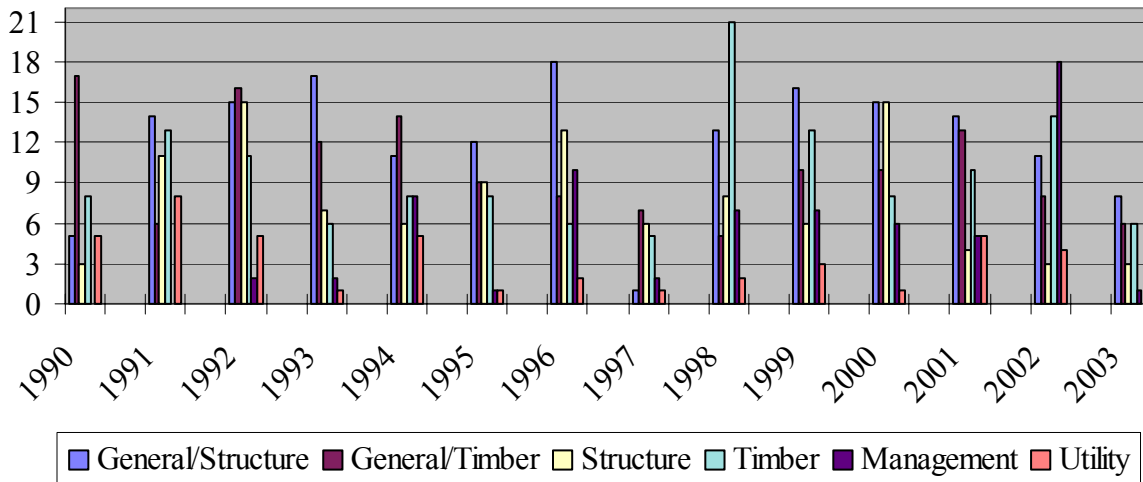
TOTAL PERMITS BY TYPE

July 1, 2001 - June 30, 2003



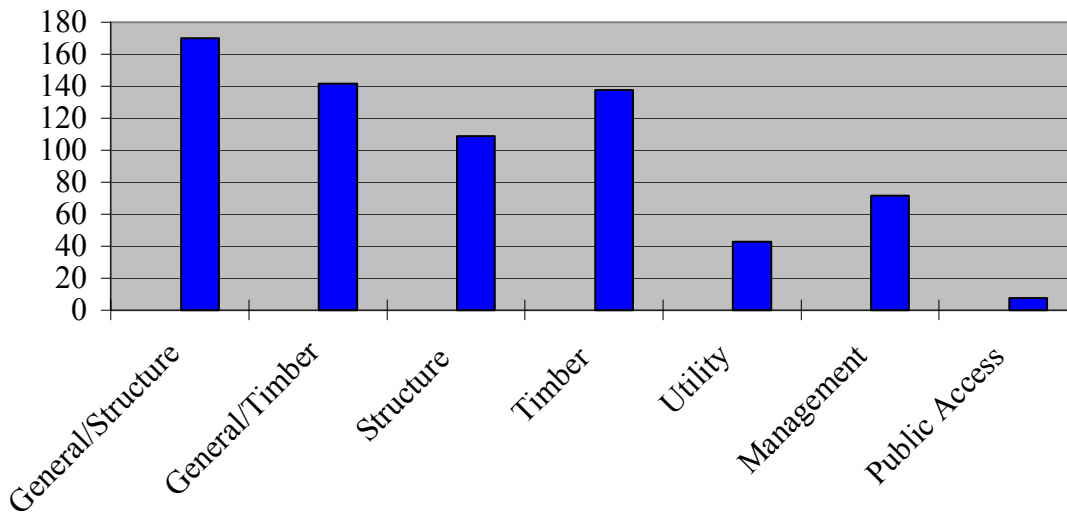
PERMITS ISSUED BY TYPE BY YEAR

October 31, 1989 - June 30, 2003



TOTAL PERMITS BY TYPE

October 31, 1989 - June 30, 2003



WARNINGS/VIOLATIONS

WARNINGS/VIOLATIONS

Enforcement of the Riverway law is accomplished through cooperative efforts between the LWSRB and DNR conservation wardens. If necessary, local law enforcement officials may become involved, however, this option has never been utilized. A warning system is employed when violations are discovered. The warning form was developed by DNR Conservation Warden Scott Thiede. The warning notice requires the violator to remedy the situation within thirty days unless an extension is granted by the LWSRB. The LWSRB may require specific action be taken or may require submittal of a remedial action plan for LWSRB approval. Unless issuance of a cease and desist order is required, a warning is not issued until the Executive Director has contacted the affected party and attempted to resolve the matter. If resolution of the violation does not appear immediate or if the violating party is uncooperative, a warning will be issued by the conservation warden at the request of the LWSRB.

Persons who knowingly violate the Riverway law may be assessed a forfeiture of up to \$1000/day for each violation. An individual who does not comply with the conditions of a warning may be assessed a forfeiture of up to \$1000 for each violation. Persons who violate one of the recreational use restrictions (see s. 30.47, Stats.) shall forfeit not more than \$500.

Fifty-one warnings for violations of Riverway performance standards have been issued since October 31, 1989. All but one of the cases were satisfactorily resolved and only once have forfeitures been assessed for violations of performance standards. The type of mitigation generally ordered by the LWSRB to resolve a structure-related violation entails establishment of additional screening vegetation and modification of the exterior colorization. For timber-related violations, the remedy typically requires planting of seedlings post-harvest and implementation of proper erosion control methods on logging roads.

The decrease in the number of warnings issued since 1992 is partially reflective of a modification in the memorandum of understanding (MOU) between the LWSRB and the DNR regarding enforcement activities. Under the revised MOU, the DNR conservation warden will consult with the LWSRB Executive Director prior to issuance of a written warning unless issuance of an immediate cease and desist order is warranted. If possible, the LWSRB will contact the landowner to seek resolution of the alleged violation before issuance of a written warning is necessitated. If the landowner fails to respond to the initial contact or if the Executive Director is unable to contact the landowner, a warning may then be issued by the conservation warden. The modification in the MOU is reflective of the LWSRB's desire to work cooperatively with landowners to resolve potential violations before issuance of a warning or further enforcement action is pursued.

There have been two egregious violations of the Riverway law since inception of the project; one (a structure violation) occurred in the Town of Wauzeka, Crawford County, and the other (a timber harvest violation) occurred in the Town of Millville, Grant County. In the Crawford County case, a warning was issued to a non-resident landowner for failure to obtain an LWSRB permit prior to initiation of construction of a house. The large house, situated on a bluff

visible from the Wisconsin River, was constructed at the site of a previously existing A-frame structure. A warning/cease and desist order was issued by the DNR Riverway conservation warden at the request of the LWSRB. The mitigation ordered by the LWSRB required relocation of the utility corridor and establishment of two trees with a minimum height of 25 feet to provide the necessary screening vegetation. The landowner complied with the action ordered by the LWSRB. Following completion of the mitigation, the landowner petitioned the Village of Wauzeka for annexation. Under s. 30.48(2), Stats, lands within ½ miles of the incorporated limits of a city or village may be annexed after which time the permit requirements and performance standards of the Riverway law are not applicable. In August of 1997, the Village of Wauzeka approved the annexation request.

In the Grant County case, a logger from Beetown, who had not previously worked on lands within the Riverway boundary, initiated a harvest on property owned by an absentee landowner from Illinois. Upon discovering there was an active harvest at the site, a warning was issued by the conservation warden. Subsequently, an on-site meeting with the logger was arranged and the regulations were explained. The violation involved failure to obtain a Riverway permit, harvesting more trees than allowed on lands visible from the river and construction of logging roads not in compliance with the regulations. There were also violations involving failure to file a cutting notice with the county and trespass on both adjacent state and private lands. The egregious nature of the Riverway violation was particularly demonstrated by construction of logging roads on dangerously steep slopes, in some cases, the logging roads had slopes of 50-60%. The Riverway regulations require roads to have a slope of 10% or less. The remedy ordered by the board was consistent with the remedy ordered in other similar cases. The remedy required activities at the site to cease until a permit was obtained, required the trees slated for harvest to be marked and approved by the board, required planting of oak seedlings and required proper erosion control measures to be implemented for all logging roads. In regard to the extremely steep roads, development of an erosion control plan was difficult. Expertise from the DNR Riverway Forester and assistance from Scott Mueller of the federal Natural Resources Conservation Service (NRCS) was obtained. The logger refused to properly implement the erosion control measures and further refused to plant the seedlings ordered by the board. Despite repeated attempts by the board to resolve the matter, the case went to the Grant County Circuit Court. The Riverway Board was ably represented by Assistant Attorney General Jeff Gabrysiak from the Department of Justice. Following a two-day trial, the logger was found guilty of Riverway violations.

Five violations requiring issuance of a warning occurred during the course of the last biennium. Four of the five warnings involved violations of the timber harvest regulations and the other warning involved development of recreational trails not in accordance with the Riverway law.

An incident in Crawford County involved the construction of a logging road and initiation of a timber harvest without a Riverway permit. The remedy ordered by the board required the activity to cease until a permit was obtained, an erosion plan for the road was developed and the trees slated for harvest were properly marked.

Two cases occurred in Iowa County and in both cases, the failure to obtain a Riverway permit and construction of a logging roads not in compliance with the regulations were the

violations. As in the Crawford County case, the board required the activity to cease until a permit was obtained, an erosion plan for the road was developed and the trees slated for harvest were properly marked.

In Grant County, the two violations that required issuance of warnings occurred on the same parcel and were issued to the same individual. In the first Grant County case, construction of a logging road not in compliance with the Riverway performance standards and the failure to have a Riverway timber harvest permit were the violations. Consistent with the remedies ordered by the board in the other incidents, the board required the activity to cease until a permit was obtained, an erosion plan for the road was developed and the trees slated for harvest were properly marked. When the DNR Riverway Forester conducted a field inspection at the site to assure the proper erosion control measures were implemented on the illegal logging road, he discovered two additional roads (recreational trails) had been constructed that were not in compliance with the applicable regulations. While the board considered pursuing enforcement action for a knowing violation of the law because the landowner had received information on the Riverway law stemming from the first violation, the board chose to issue a second warning and, as the remedy to address the violation, the board ordered erosion control measures to be implemented on the roads/trails and further required reseeding and planting of trees and shrubs as recommended by the DNR Riverway Forester. The board chose to issue a second warning rather than pursue enforcement actions for a knowing violation because of a requirement in the Riverway law that a person receive a warning for each separate violation if there has not been a warning issued for that violation previously.

BUDGET

The LWSRB budget allocation for the 2001-2002 fiscal year was \$154,100 and for the 2002-2003 fiscal year the allocation was \$158,700. The funding source is segregated (SEG) dollars from the conservation fund. The motor boat fuel tax account provides 75% of the funding and the forestry mill tax account provides 25% of the funding. In FY 02, \$20,913 remained unexpended at the conclusion of the fiscal year largely due to a staff vacancy (PA II position). In FY 03, \$5987 remained unexpended at the conclusion of the fiscal year.

Allotments and expenditures by line item for FY 02 and FY 03 and total allotments and expenditures by fiscal year since inception of the board are detailed below.

Allocations & Expenditures for FY02 and FY 03

	FY 02		FY 03	
	<i>Allocation</i>	<i>Actual</i>	<i>Allocation</i>	<i>Actual</i>
Permanent Salaries	72,400.00	65,700.84	72,900.00	71,617.76
Per Diems	0.00	2,350.00	2,150.00	2,150.00
Fringe Benefits	30,700.00	24,336.23	34,948.00	34,947.25
Supplies & Services	51,000.00	40,800.27	48,702.00	43,997.76
<u>TOTALS</u>	154,100.00	133,187.34	158,700.00	152,712.77

Allocation by Fiscal Year & Source

Fiscal Year	Allocation	Source	Notes
FY 90	89,800.00	GPR	
FY 91	93,900.00	GPR	
FY 92	97,100.00	GPR	
FY 93	99,000.00	GPR	Includes conversion of LTE to project position for support staff.
FY 94	102,500.00	GPR/SEG	SEG-Conservation Fund, conversion to PA I position.
FY 95	99,200.00	GPR/SEG	
FY 96	107,600.00	GPR/SEG	Conversion to 25% GPR, 75% SEG.
FY 97	113,850.00	GPR/SEG	Conversion to 25% GPR, 75% SEG.
FY 98	115,137.00	SEG	25% Forestry Mill Tax Account, 75% Motor Boat Fuel Tax Account
FY 99	110,900.00	SEG	Conversion to PA II position.
FY 00	125,283.00	SEG	
FY 01	131,300.00	SEG	
FY 02	154,100.00	SEG	Conversion to Citrix System. (Mandated by DOA & DEG)
FY 03	158,700.00	SEG	

RESOLUTIONS AND POLICIES

Since inception in 1989, the LWSRB has adopted eleven resolutions and formalized eleven policies. Resolutions are intended for distribution to persons other than LWSRB members and state the LWSRB's position on a specific topic. Policies are intended for internal LWSRB use. Brief descriptions of the resolutions and policies adopted by the LWSRB are detailed below.

RESOLUTIONS

RESOLUTION #001-03-90 encouraged the DNR to negotiate an agreement with a private landowner to prevent a commercial firewood harvest from occurring on lands visible from the river which had been optioned for purchase by the DNR.

RESOLUTION #002-08-90 urged the DNR to provide trash receptacles at certain popular public access sites to address litter problems.

RESOLUTION #003-09-91 urged Governor Thompson and the Legislature to create a limited duration easement for the purchase of timber and development rights within the Riverway for prescribed finite periods of time.

RESOLUTION #004-01-92 expressed the support of the LWSRB for legislation seeking to broaden the scope of Wisconsin's trespass law.

RESOLUTION #005-02-92 indicated the LWSRB's conditional endorsement of creation of the Fox-Wisconsin Rivers National Heritage corridor from Green Bay to Portage to Prairie du Chien.

RESOLUTION #006-02-94 commended Riverway landowners for demonstrating a responsible stewardship ethic and affirmed the LWSRB's commitment to work cooperatively with Riverway landowners.

RESOLUTION #007-10-95 requested the DNR continue to provide technical services to the LWSRB recognizing the administrative services formerly provided by the DNR would be provided by the new Department of Tourism as of January 1, 1996.

RESOLUTION #008-01-97 urged the DNR to scrutinize the proposal of the Crandon Mining Company to construct a pipeline for the purpose of discharging treated wastewater into the Wisconsin River and further recommended changes in state law to lower effluent limits for dischargers into the river in order to attain higher water quality.

RESOLUTION #009-10-98 recognized Mr. Jack Moulton for the major contributions made toward achievement of the ultimate goals of the Lower Wisconsin State Riverway project through his actions as land agent from 1990 to 1998. Moulton retired from Department of Natural Resources on September 30, 1998, with over 18 years of service to the citizens of Wisconsin.

RESOLUTION #010-03-99 expressed sincere gratitude and appreciation to Ms. Lisa Lauridsen for her years of exemplary service to the Lower Wisconsin State Riverway Board, landowners, recreational users, governmental colleagues and others with an interest in the Riverway project.

RESOLUTION #011-07-99 recognized Judy Rendall, an original appointee to the Lower Wisconsin State Riverway Board, for her contributions to the Lower Wisconsin State Riverway and her years of service to the citizens of Wisconsin. Ms. Rendall passed away in July, 1999 at her residence in Dane County.

POLICIES

LWSRB POLICY 001-91: Policy regarding public comment during regular business meetings.

LWSRB POLICY 002-91: Policy regarding public comment during committee reports.

LWSRB POLICY 003-91: Policy regarding LWSRB positions on other aesthetic protection initiatives.

LWSRB POLICY 004-91: Policy regarding the definition of “top of the bluff” as it applies to s.30.44(1)(c)5, Stats.

LWSRB POLICY 005-91: Policy exempting certain repairs and routine maintenance activities from regulation under s.30.44(1)(b), Stats.

LWSRB POLICY 006-92: Policy relating to notification of LWSRB members regarding Operations Committee review of permit applications.

LWSRB POLICY 007-93: Policy regarding the reconstruction or replacement of structures or mobile homes destroyed or removed as required by a Wisconsin Department of Transportation highway project.

LWSRB POLICY 008-93: Policy regarding the use of the LWSRB Standardized Color Chart.

LWSRB POLICY 009-95: Policy regarding exemptions for agricultural structures.

LWSRB POLICY 010-96: Policy regarding review of permit applications.

LWSRB POLICY 011-97: Policy regarding timber harvest permit issuance procedures.

LWSRB POLICY 012-00: Policy regarding employee participation in activities outside of work.

OBSERVATIONS

Long before the first European explorer, missionary or fur trader arrived in the New World, a ribbon of water flowed freely past towering bluffs, expanses of colorful blooming prairies, bottomland forests and uninhabitable marshes. An area of infinite beauty teeming with life and home to countless generations of indigenous peoples who revered the valley and thought it a sacred place. As the river flowed and the centuries passed, civilizations were born and faded leaving their imprint in the forms of mounds, paintings in rock shelters, remnants of villages and agricultural fields.

With the famous passage of Marquette and Joliet, from Green Bay, up the Fox River to Portage and down the Wisconsin River to the Father of Waters, the Mississippi River, three centuries and three decades ago, the first words of a new chapter in the history of the valley were written. As the words became sentences and the sentences became paragraphs, the valley began to change, at first, subtly, then, with more vigor and demonstrable impact. As the Euro-Yankee settlement continued, the landscape changed as fire control allowed species other than oak to take hold and the once vast tall grass prairies were tamed by the plow and were replaced by fields of corn, wheat, hops and beans. The bison and elk were replaced by cattle and horses. The encampments and villages of the Ho-Chunk, Sac, Mesquakie, Kickapoo and Sioux were transformed to the homesteads and villages of the American settlers. Throughout these changes, the river continued to flow, the sandbars continued to shift, the bluffs continued to tower and the valley remained a place of awe-inspiring beauty.

As advances in technology developed and a young nation matured, more and more people came to the valley. Trains, tractors and automobiles replaced horses and small settlements grew into prosperous villages and cities. Up river, dams were built to harness the river's might and to attempt to control the river's fickle flow. But, down river, the bluffs remained standing tall, keeping silent vigil over the happenings below, the river continued to flow over its sandy bottom and the backwaters retained wildness, teeming with life.

As the sun set on the twentieth century, the development pressures began to increase and the valley was in danger of losing the beauty which had been its signature for millennia. Then, as the ink flowed from Governor Tommy G. Thompson's pen on August 3, 1989, the valley received recognition as a truly special place and the wheels were set in motion to protect and preserve its scenic and natural wonders. One of the cogs in the mechanism of protection was, and is, the Lower Wisconsin State Riverway Board.

For the past fourteen years, the Riverway Board has been responsible for maintaining the fragile and delicate between protection of the valley and protection of the rights of people who live there, own property there and recreate there. The seemingly daunting task of balancing a myriad of competing interests has been successfully achieved. However, this success could not have transpired without the dedication of the citizens serving on the board; the cooperation of landowners, the local populous and local officials; and, the support of the Executive branch, the Legislature and other state agencies. In particular, those landowners who have been good stewards of the land and those landowners, both old and new, who have cooperated with the

board deserve accolades. Without their cooperation, the successes of the Riverway project would not have been attained.

The success of the project has assuredly been built on the dedicated service of the citizen members of the board, some who were involved in the project years before it became a reality and others who have toiled thanklessly, often in the face of adversity and criticism, over the past several years. The dedication of these individuals in traveling various distances to attend monthly meetings, from Prairie du Sac to Prairie du Chien and all parts in between, in order to play a role in protection and preservation of the scenic quality and natural character of the valley is a testament to the positive impact of which government is capable. Without the contributions of these citizen members, the project could not have succeeded.

In addition, the support of the Legislature in recognizing the regulations associated with the project had to be malleable and fine tuned from time to time as the board gained more experience has been crucial to the success of the project. Clearly, a project of this magnitude which had never been implemented anywhere in the world required legislative follow-up to tweak the regulatory mechanism. While any attempt to list all of the legislators who have provided assistance would be difficult, in particular, State Senator Dale Schultz and State Representatives DuWayne Johnsrud, Stephen Freese and Spencer Black deserve to be recognized for their support of the project and their willingness to work with the board in effecting legislative changes as warranted.

The cooperation of county, town, city and village officials throughout the Riverway generally has been very good. The county zoning committees, zoning administrators and respective planning and zoning staffs all have cooperated well with the board and share in the success of the project. Former Secretary George Meyer and current Secretary Scott Hassett and the staff at the Department of Natural Resources consistently have been supportive in providing technical assistance, in recognizing the autonomy of the board and cooperating in areas of mutual interest. Former department Riverway liaisons David Gjestson and Tom Howard and current liaison Steve Colden along with former Riverway forester Bill Carlson, current Riverway forester Brad Hutnik and Riverway recreational specialist Wayne Schutte, all deserve special recognition for the services and cooperation provided to the board. The conservation wardens from the Riverway counties have worked cooperatively with the board to administer the complex enforcement system and their contributions are genuinely appreciated as well. Finally, the Department of Tourism, the agency that provides administrative support to the board, should be acknowledged for the excellent services provided in personnel, payroll, accounting, budgeting and other administrative matters.

As the board looks to the next biennium, the challenges associated with maintaining the fragile and delicate balance between progress and protection remain. As the communities of the Riverway grow and the economy expands, the development pressures will only increase. The board continues to see greater pressure on bluff top development as well as development within the extraterritorial zoning limits of villages and cities. One only has to look at the explosive development in rural areas surrounding Madison to view the changes that have occurred over the last decade. Indubitably, the increase in development pressure will create greater demands on the board and staff to assure the development is done in a manner consistent with the goals and objectives of the Riverway. With changes in technology come new challenges as is the case with

the proliferation of wireless communication facilities or cell towers on the landscape. Tools are in place for the board to regulate the location of cell towers within the Riverway boundary but the board is powerless to effect change to tower location and design in areas excluded from the boundary. The adverse aesthetic impacts of towers atop bluffs is evidenced by a new tower built within the incorporated limits of Boscobel which is visible from the river for several miles. Other proposed towers in Richland, Sauk and Iowa counties (currently postponed or temporarily abandoned) also would have had a detrimental effect on the Riverway's aesthetic integrity had the projects been completed. Also, the board must consider the impacts wind farms may have if a proposal is presented to develop a wind farm on Riverway lands or lands adjacent to the Riverway where a 300 foot tall windmill would become visible.

It is important to recognize the Riverway Board was not created to prohibit development but, rather, to control land use and development in order to preserve the aesthetic integrity of the valley. However, with changes in technology and as society grows, the board and the Legislature must be prepared to enact revisions to the law and administrative code to address changing times and technology. Nonetheless, in concert with the Department of Natural Resource's land acquisition and management programs, the Riverway Board is in good shape to assure that the mission is attained and that the valley remains a place of great beauty and offers a high quality of life to its residents as well as a tremendous recreational experience for its users, both local folks and visitors, for decades to come.

To fully realize the value of this endeavor, it takes but one short trip down the river or a hike up one of its bluffs or a quiet walk in the bottoms. To experience the river at sunrise as the fog lifts amid a roseate glow and a sandhill crane calls from the backwaters will help one appreciate the magnitude of the beauty of the valley and the importance of the project. Likewise, a summer night on a sandbar with the sky filled with stars and the chorus of frogs filling the air with strange yet wonderful songs will impart the realization that the Riverway project is important. Or, standing atop a bluff on a cold clear winter's day when one may see the blanket of snow covering the valley below for mile after mile and thinking of the promise of spring will drive home the value of preserving something for the future so that those that come after us will be able to see the eagle soar high overhead, will be able to hear the howl of a coyote on a moonlit night or will be able to paddle the free flowing waters of the Wisconsin River and view the majesty of the bluffs under the glow of a summer sunset.

A quote often used about the Wisconsin River is from Aldo Leopold, who wrote,

"Yet, there remains the river. In a few places, hardly changed since Paul Bunyan's day. At early dawn, one can still hear it singing in the wilderness. Perhaps our grandsons, having never seen a river, will never miss the chance to set a canoe in it singing waters."

With the Lower Wisconsin State Riverway project in place and with the continued commitment to both the regulations administered by the Riverway Board and the tenets of the Riverway's Master Plan, the somber presage proffered by Leopold will not come to fruition and, instead, our grandchildren's grandchildren will have the opportunity to experience and appreciate the sparkling and singing waters of the lower Wisconsin Riverway, the majesty of its bluffs and the mysteries of its backwater sloughs and marshes.

DOCUMENTS AVAILABLE FROM THE LWSRB OFFICE

- *Summary of Regulations
- *Screening Vegetation/Permit Process brochure
- *Timber Harvesting brochure
- *Chapter NR 37, Wisconsin Administrative Code
- *Riverway Law
- *Chapter RB 1 & 2, Wisconsin Administrative Code
- *Permit Applications
- *Strategic Plan
- *Biennial Report
- *Riverway Visitor
- *Oak Wilt in Wisconsin brochure
- *Marketing Timber
- *Woodland Owners Guide to Oak Management
- *Effigy Mounds Grand Tour brochure

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